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1135 U.S. PTO

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A/Reissue

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PTO/SB/50 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033

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REISSUE PATENT APPLICATION TRANSMITTAL

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Attorney Docket No. 3254:1002-028

First Named Inventor Breslow

Original Patent Number 5,369,108

Original Patent Issue Date
(Month/Day/Year) Nov. 29, 1994

Express Mail Label No. EV 044389584 US

APPLICATION FOR REISSUE OF:

(Check applicable box)



Utility Patent



Design Patent



Plant Patent

APPLICATION ELEMENTS (37 CFR 1.173)

1. ☒ Fee Transmittal Form (PTO/SB/ 56)
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification and Claims in double column copy of patent
format (amended, if appropriate)
4. ☐ Drawing(s) (proposed amendments, if appropriate)
5. ☒ Reissue Oath/Declaration (original or copy) (2 docs -
(37 C.F.R. § 1.175) (PTO/SB/51 or 52) 10 pgs total)
6. ☒ Power of Attorney (included in Declaration)
7. Original U.S. Patent currently assigned? ☒ Yes ☐ No
(If Yes, check applicable box(es))
☒ Written Consent of all Assignees (PTO/SB/53) (2 docs)
☒ 37 C.F.R. § 3.73(b) Statement (2 docs)
(PTO/SB/96)
8. ☐ CD-ROM or CD-R in duplicate, Computer Program (Appendix)
or large table
9. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all of the following are necessary)
 - a. ☐ Computer Readable Form (CFR)
 - b. Specification Sequence Listing on:
 - i ☐ CD-ROM (2 copies) or CD-R (2 copies); or
 - ii ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

10. ☒ Statement of status and support for all changes
to the claims. See 37 CFR 1.173 (c).
11. ☐ Original U.S. Patent for surrender
☐ Ribbonded Original Patent Grant
☐ Statement of Loss (PTO/SB/55)
12. ☐ Foreign Priority Claim (35 U.S.C. 119)
(if applicable)
13. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS
Citations
14. ☐ English Translation of Reissue Oath/Declaration
(if applicable)
15. ☒ Preliminary Amendment
16. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
17. Other: ...Check for \$1994.....
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Susan M. Abelleira

Registration No. (Attorney/Agent)

42,252

Signature

Susan M. Abelleira

Date

November 02, 2001

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REISSUE APPLICATION FEE TRANSMITTAL FORM						Docket Number (Optional) 3254.1002-028		
Claims as Filed - Part 1								
Claims in Patent		Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity		
				Rate	Fee	Rate	Fee	
(A) 17	Total Claims (37 CFR 1.16(j))	(B) 29	**** 9 =	x \$ _____ =		or	x \$ 18. = 162.	
(C) 1	Independent claims (37 CFR 1.16(i))	(D) 14	* 13 =	x \$ _____ =			x \$ 84 = 1092.	
Basic Fee (37 CFR 1.16(h)) \$ _____							\$740. _____	
Total Filing Fee \$ _____							OR \$1994.	
Claims as Amended - Part 2								
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee	Rate	Fee
Total Claims (37 CFR 1.16(j))	***	MINUS	**	*	x \$ _____ =		x \$ _____ =	
Independent Claims (37 CFR 1.16(i))	***	MINUS	*****	=	x \$ _____ =		x \$ _____ =	
Total Additional Fee \$ _____							OR \$ _____	
<p>* If the entry in (D) is less than the entry in (C), Write "0" in column 3.</p> <p>** If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.</p> <p>*** After any cancellation of claims.</p> <p>**** If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).</p> <p>***** "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____. A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. <u>08-0380</u>. A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> A check in the amount of \$ <u>1994</u> to cover the filing / additional fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p>								
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>								
<p><u>November 02, 2001</u></p> <p>Date</p>				<p><u>Susan M. Abelleira, 42,252</u></p> <p>Signature of Applicant, Attorney or Agent of Record</p> <p>Susan M. Abelleira</p> <p>Typed or printed name</p>				

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ronald Breslow, Paul A. Marks, Richard A. Rifkind, and Branko Jursic

Reissue Application of U.S. Patent No.: 5,369,108

Issue Date: November 29, 1994

For: POTENT INDUCERS OF TERMINAL DIFFERENTIATION
AND METHODS OF USE THEREOF

Date: <u>11/2/01</u>
EXPRESS MAIL LABEL NO. <u>EV 044389584 US</u>

STATUS OF CLAIMS AND SUPPORT FOR CLAIM CHANGES

UNDER 37 C.F.R. §1.173(c)

Box REISSUE

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

This paper is being filed in accordance with 37 C.F.R. §1.173(c) to provide the status of all patent claims, and of all added claims in view of the Preliminary Amendment being filed concurrently. In addition, an explanation of the support in the disclosure of the patent for the changes made to the claims as set forth in the Preliminary Amendment, is provided.

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STATUS OF CLAIMS

As of the date of the Preliminary Amendment being filed concurrently herewith, originally issued Claims 1-17 are pending and newly added Claims 18-29 are also pending.

SUPPORT FOR CLAIM CHANGES

Claim 1 has been amended to recite that R_1 and R_2 of the structure set forth in the claim are the same and are a substituted or unsubstituted thiazoleamino group. Support for this amendment can be found, *inter alia*, in the originally issued claims and at Col. 7, lines 40-52 of the specification.

Claim 2 has been amended to be in independent form and to recite that R_2 is a hydroxylamino group and is different from R_3 -N- R_4 . In addition, the definition of n has been amended to recite that n is an integer from 5 to about 8. Support for these amendments can be found, *inter alia*, in the originally issued claims, at Col. 2, line 65-Col. 3, line 6, at Col. 6, line 59-Col. 7, line 7 and in Table 1, as Entries 2-5 of Column "CPD".

Claim 3 has been amended to further define the integer n as 6. Support for this amendment can be found in originally issued Claim 3 and throughout the specification.

Claims 5 and 7 have been amended to correct obvious typographical errors. Support for this amendment can be found, for example, in Table 1, Entries 51-53 and in the art.

Claims 11, 12 and 13 have been amended to depend from Claim 2 rather than Claim 3. In addition, Claim 11 has been amended to designate the pyridine as a gamma pyridine, γ -pyridine, rather than a delta pyridine, δ -pyridine. This is an obvious error, as δ -pyridine cannot be a substituent. Support for this amendment can be found in the structures at Col. 17, lines 55-62 and Col. 18, lines 25-33.

Claims 18-29 are newly added. These claims have been added to more specifically claim particular compounds set forth in the specification. Claim 18 is directed to the compositions of the structure set forth in the claim, wherein n is from 5 to about 8. Support for Claim 18 can be found, for example, in Table 1 as Entries 2-5. Claim 19 is directed to a pharmaceutical composition comprising a therapeutically effective amount of a compound having the structure

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set forth in the claim wherein n is from 5 to about 8. Support for Claim 19 can be found, for example, in Table 1 as Entries 2-5 and in the specification at Col. 6, lines 28-31.

Newly added independent Claim 20 is directed to the compound set forth as Entry 3 in Table 1. As such, support for newly added Claim 20 can be found in Table 1 and also at Col. 26, lines 50-68. Newly added independent Claim 21 is directed to a pharmaceutical composition comprising a therapeutically effective amount of the compound set forth as Entry 3 in Table 1 and a pharmaceutically acceptable carrier. As such, support for newly added Claim 21 can be found in Table 1, at Col. 6, lines 28-31 and at Col. 26, lines 50-68 of the specification.

Newly added independent Claim 22 is directed a compound of the general formula set forth, for example, at Col. 6, line 60 and up of the specification, wherein R_2 is a hydroxylamino group, n is 6, R_3 is a γ -pyridine group and R_4 is hydrogen. Support for newly added Claim 22 can be found, *inter alia*, in originally issued Claim 11 and in the structures at Col. 17, lines 55-62 and Col. 18, lines 25-33. Newly added independent Claim 23 is directed to a pharmaceutical composition comprising a therapeutically effective amount of the compound described above with regard to Claim 22 and a pharmaceutically acceptable carrier. Support for newly added Claim 23 can be found, *inter alia*, in originally issued Claim 11 and in the structures at Col. 17, lines 55-62 and Col. 18, lines 25-33, and at Col. 6, lines 28-31 of the specification.

Newly added independent Claim 24 is directed to a compound of the general formula set forth, for example, at Col. 6, line 60 and up of the specification, wherein R_2 is a hydroxylamino group, n is 6, R_3 is β -pyridine group and R_4 is hydrogen. Support for newly added Claim 24 can be found, *inter alia*, in originally issued Claim 12. Newly added independent Claim 25 is directed to a pharmaceutical composition comprising a therapeutically effective amount of the compound described above with regard to Claim 24, and a pharmaceutically acceptable carrier. Support for newly added Claim 25 can be found, *inter alia*, in originally issued Claim 12 and at Col. 6, lines 28-31 of the specification.

Newly added independent Claim 26 is directed to a compound of the general formula set forth, for example, at Col. 6, line 60 and up of the specification, wherein R_2 is a hydroxylamino group, n is 6, R_3 is α -pyridine group and R_4 is hydrogen. Support for newly added Claim 24 can be found, *inter alia*, in originally issued Claim 13. Newly added independent Claim 27 is directed to a pharmaceutical composition comprising a therapeutically effective amount of the

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compound described above with regard to Claim 26 and a pharmaceutically acceptable carrier. Support for newly added Claim 27 can be found, *inter alia*, in originally issued Claim 13 and at Col. 6, lines 28-31 of the specification.

Newly added independent Claim 28 is directed to the compound set forth as Entry 19 in Table 1. As such, support for newly added Claim 28 can be found in Table 1. Newly added independent Claim 29 is directed to a pharmaceutical composition comprising a therapeutically effective amount of the compound set forth as Entry 19 in Table 1 and a pharmaceutically acceptable carrier. As such, support for newly added Claim 29 can be found in Table 1 and at Col. 6, lines 28-31 of the specification.

CONCLUSION

In view of the above, it is believed that the requirements of 37 C.F.R. § 1.173(c) are fulfilled. Further, it is believed that all pending claims (Claims 1-29) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

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Dated: November 2, 2001

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